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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 TIMOTHY BOYTOR, an individual,
12 Plaintiff,

13 v.

14 WAL-MART STORES, INC., and DOES 1
through 100; and ROE CORPORATIONS 101
15 through 200,
16 Defendants.

Case: 2:16-cv-02023-JAD-GWF

~~PROPOSED~~ **STIPULATION AND
ORDER TO EXTEND DISCOVERY
DEADLINES**

(FIFTH REQUEST)

18 This stipulation to modify the current scheduling order is hereby entered into by and between
19 Plaintiff TIMOTHY BOYTOR ("Boytor") and Defendant WAL-MART STORES, INC. ("Wal-
20 Mart"), through their attorneys of record, pursuant to LR 6-1(b) and LR 26(4) and is based upon the
21 following:

22 **a. Discovery Completed to Date:**

23 The parties have exchanged initial disclosures of documents and the names of individuals with
24 knowledge of the facts pertaining to Boytor's claims against Wal-Mart. Both parties have served
25 several supplements to their initial disclosures. Wal-Mart has propounded written discovery to Boytor,
26 including interrogatories, requests for production and requests for admission. Boytor has served his
27 responses. Boytor has propounded written discovery to Wal-Mart, including interrogatories, a second
28 set of interrogatories, requests for production, and a second set of requests for production. Wal-Mart

1 has served its responses. Wal-Mart has taken the depositions of Boytor, Dr. Marjorie Belsky, and Dr.
2 Stuart Kaplan. Plaintiff has taken the deposition of Michael Beauregard.

3 **(b) Discovery that remains to be completed:**

4 Wal-Mart intends to depose one remaining witness: Plaintiff's expert, John Peterson, who—
5 according to Boytor's expert disclosures—is an expert regarding “store safety and security and risk
6 management safety...[and]...will opine as to the industry standards re: standard of care, keeping areas
7 safe, sweeps, following safety protocol and industry standards.”

8 **(c) The reason why discovery remaining was not completed within the time limits set by**
9 **the discovery plan.**

10 Wal-Mart has prior notices of taking Mr. Peterson's deposition: Wal-Mart served notice of
11 taking Peterson's deposition on April 6, 2017. Peterson, however, was not available on that date.
12 Then, Wal-Mart served a second notice of taking Peteron's deposition, setting a date of June 5, 2017.
13 Mr. Peterson was again unavailable to appear on that date. Wal-Mart has agreed to vacate the second
14 deposition date in reliance on Plaintiff's counsel, who states that Mr. Peterson *will* be available on
15 June 26, 2017, and Wal-Mart is concurrently serving its third amended notice of taking Mr. Peterson's
16 deposition, setting a date of June 26, 2017. The parties aver, pursuant to Local Rule 6-1, that good
17 cause exists for extension of the discovery period solely for Wal-Mart's taking of the deposition of
18 John Peterson. The parties agree, pending this Court's approval, to extension of the discovery
19 deadline for that limited purpose.

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The deadline for discovery in this case is presently June 14, 2017 (*see* ECF No. 20, p. 2:24). The parties seek to extend this deadline only as required to accommodate Wal-Mart's deposition of John Peterson.

By /s/ Suneel J. Nelson
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